

PATENT COOPERATION TREATY

REC'D 27 JUN 2005

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WIPO

PCT

To:
HOWARD I. SOBELMAN
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-2202

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 60655.1216		Date of mailing (day/month/year) 22 JUN 2005	
International application No. PCT/US04/12056		FOR FURTHER ACTION See paragraph 2 below	
International filing date (day/month/year) 20 April 2004 (20.04.2004)	Priority date (day/month/year) 25 April 2003 (25.04.2003)		
International Patent Classification (IPC) or both national classification and IPC IPC(7): H04L 9/00 and US Cl.: 713/165			
Applicant AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Ponnoreay Pich Telephone No. 571-272-2100
--	--

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/12056

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/12056

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-7</u>	YES
	Claims <u>8</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-8</u>	NO
Industrial applicability (IA)	Claims <u>1-8</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/12056

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claim 8 lacks novelty under PCT Article 33(2) as being anticipated by Montville et al (US 6,356,937).

Claim 8:

Montville discloses a message database comprising a first message associated with a first identifier and a second identifier, wherein said first identifier is associated with a first user and said second identifier is associated with a second user (col 21, lines 49-51 and col 27, lines 37-42).

Note Montville discloses an email system. The database is inherent to his invention as one is needed to store and organize the email messages. Each email message reads on a first message. Each email message inherently contains a "From" field which identifies the first user and reads on a first identifier and each message also contains a "To" or "Recipient" field which reads on a second identifier associated with a second user.

Claims 1-3 and 5-7 lack an inventive step under PCT Article 33(3) as being obvious over Montville et al (US 6,356,937) in view of Meyer (US 6,148,329).

Claim 1:

Montville discloses a method for facilitating access to messages comprising:

1. Storing the message in database (col 27, lines 37-42).
2. Associating the message with at least one intended recipient by at least one identifier (col 21, lines 49-51). Note that this limitation reads on the email address of the recipient. This limitation can also read on the primary key for a record field that must be present in any database. The primary key is usually a unique number of some sort.
3. Providing a web site for the recipient to view the message (col 5, lines 38-40).
4. Authenticating the recipient using a second identifier (col 6, lines 38-42 and col 26, lines 34-40).
5. Displaying the messages associated with the recipient (col 26, lines 51-55).

Montville does not explicitly disclose searching the database to find messages associated with the recipient by matching said at least one identifier. However, this limitation must be present in Montville or any other invention for displaying an email message because otherwise there would be no way to properly find and display a user's messages.

Montville also does not disclose notifying the intended recipient of the message for said recipient which is stored in the database. However, this limitation is fairly common in email systems at the time the applicant's invention was made as it allows the recipient to know when new messages arrives for them. Further, Meyer also discloses a message notification system wherein an intended recipient of a message is notified that they have a new message stored in a database (col 1, lines 14-21).

In light of Meyer's teachings, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Montville's invention according to the limitations recited in claim 1. One of ordinary skill would have been motivated to incorporate Meyer's teachings as Meyers discloses that it would allow users to realize the benefits of unified messaging (col 1, lines 14-17).

Claim 2:

Montville does not explicitly disclose wherein said first identifier is an account number. However, Montville discloses that at the time the applicant's invention was made, identifiers being account numbers were common and well known (col 11, lines 8-11). The examiner notes that this is a common and well known fact even without Montville's teachings.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/12056

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made of have said first identifier be an account number. One of ordinary skill would have been motivated to do so as account numbers being an identifier is common practice in the art.

Claim 3:

Montville further discloses wherein said second identifier is a combination of a user identification and a password (col 6, lines 38-42 and col 26, lines 34-40).

Claim 5:

Montville further discloses wherein said message comprises a message portion and an attachment file in a format that is different from said message portion (col 23, line 61-col 24, line 4).

Claim 6:

Montville further discloses encrypting said site to view messages using an encryption method (col 25, lines 48-53).

Claim 7:

Montville further discloses wherein said encryption method is SSL (col 25, lines 48-53).

Claims 4 lacks an inventive step under PCT Article 33(3) as being obvious over Montville et al (US 6,356,937) in view of Meyer (US 6,148,329) and further in view of Fung et al (US 2002/0055909).

Claim 4:

Montville and Meyer do not disclose wherein said second identifier is a biometric identification system. However, Fung discloses an identifier being a biometric identification system (paragraphs 148-149).

In light of Fung's teachings, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the combination invention of Montville and Meyer according to the limitations recited in claim 4. One of ordinary skill would have been motivated to incorporate Fung's teachings as Fung discloses that ordinary keys/passwords can be compromised and biometric authentication would allow for greater confidence in verifying someone's identity (paragraph 148).